

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KIMBERLY KLOBAS and LANCE
RAIKOGLO,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et
al.,

Defendants.

CASE NO. C23-6072 BHS

ORDER

THIS MATTER is before the Court on Magistrate Theresa L. Fricke's Report and Recommendation, (R&R), Dkt. 8, recommending the Court deny pro se plaintiffs Lance Raikoglo and Kimberly Klobas's applications to proceed *in forma pauperis*, and dismiss the case without prejudice for failure to state a plausible claim.

Judge Fricke Ordered plaintiffs to show cause why their complaints should not be dismissed, or to file an amended complaint addressing the identified deficiencies. Dkt. 3. Raikoglo and Klobas filed identical amended complaints, Dkts. 4, 5, but they did not address or remedy the deficiencies, and the R&R correctly concludes that they have failed to state a plausible claim.

1 A district court “shall make a de novo determination of those portions of the report
2 or specified proposed finding or recommendations *to which objection is made.*” 28
3 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute
4 makes it clear that the district judge must review the magistrate judge’s findings and
5 recommendations de novo *if objection is made*, but not otherwise.” *United States v.*
6 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires
7 “specific written objections to the proposed findings and recommendations” in the R&R.
8 Fed. R. Civ. P. 72(b)(2).

9 Plaintiffs have not objected to the R&R’s recommended dismissal of their claim.
10 The record reflects that the R&R addressed to Klobas and Raikoglo, at 1524 E 32nd Apt.
11 301 Tacoma WA 98404, was returned as undeliverable. Klobas and Raikoglo came into
12 the clerk’s office on or about February 15, 2024, confirmed that their address was correct,
13 and stated they intended to file a motion for an extension of time to object to the R&R.
14 They have not done so, but they did file a new, substantially similar case, Cause No. 24-
15 cv-5128 DGE.

16 The R&R is **ADOPTED**. Plaintiffs’ application to proceed *in forma pauperis* is
17 **DENIED** and this case is **DIMSED** without prejudice. Raikoglo’s Motion to Seal, Dkt.
18 7, asks the Court to seal future filings in the case. That motion is **DENIED** as moot.

19 The Clerk shall enter a **JUDGMENT** and close the case.

20 **IT IS SO ORDERED.**

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2 Dated this 27th day of February, 2024.

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5 BENJAMIN H. SETTLE
6 United States District Judge
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